

§ 651.39 The final phase.

(a) The scope used in the preparation of DEIS consists of the determinations made by the proponent during and after the public interaction phase of the process, as follows:

(1) The scope and the significant issues for detailed analysis in the EIS (40 CFR 1501.7(a)(2)). To determine the scope of EISs, the proponent will consider three types of actions, alternatives, and impacts.

(2) The three actions (other than unconnected single actions) are as follows:

(i) Connected actions, that are closely related and should be discussed in the same impact statement. Actions are connected if they automatically trigger other actions that may require EISs, cannot or will not proceed unless other actions are taken previously or simultaneously, are interdependent parts of a larger action, and depend on the larger action for their justification.

(ii) Cumulative actions, when viewed with other proposed actions, have cumulatively significant impacts and should be discussed in the same impact statement.

(iii) Similar actions, that have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography, may be analyzed in the EIS. Agencies should do so when the best way to assess such actions is to treat them in a single EIS.

(3) The three alternatives are as follows:

(i) No action.

(ii) Other reasonable courses of action.

(iii) Mitigation measures (not in the proposed action).

(4) The three types of impacts are as follows:

(i) Direct.

(ii) Indirect.

(iii) Cumulative.

(5) Identification and elimination from detailed study of issues that are not significant or have been covered by prior environmental review. This narrows the discussion of these issues to a brief presentation of why they will not have a significant effect on the human environment. It may also provide a ref-

erence to their coverage elsewhere. (40 CFR 1501.7(a)(3)).

(6) Allocation of assignments for preparation of the EIS among the lead and any cooperating agencies, with the lead agency retaining responsibility for the statement. (40 CFR 1501.7(a)(4)).

(7) Indication of any public EAs and other EISs, prepared by the Army or another Federal agency, related to, but not part of, the EIS under consideration. (40 CFR 1501.7(a)(5)).

(8) Identification of any other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with the EIS. (40 CFR 1501.7(a)(6)).

(b) As part of the scoping process the lead agency may—

(1) Set time limits, as provided in § 651.12(b), if they were not already indicated in the preliminary phase.

(2) Prescribe overall page limits to the EIS in accordance with the CEQ regulations that emphasize conciseness.

(c) All determinations reached by the proponent during the scoping process will be clearly conveyed to the preparers of the EIS in a Scope of Statement. The Scope of Statement will be made available to participants in the scoping process and to other interested parties on request. Any conflicts on issues of a scientific or technical nature that arise between the proponent and scoping participants, cooperating agencies, other Federal agencies, or preparers of the document will be identified during the scoping process and resolved or discussed by the proponent in the DEIS.

§ 651.40 Aids to information gathering.

The proponent may use or develop graphic or other innovative methods to aid information gathering, presentation, and transfer during the three scoping phases. These include methods for presenting preliminary information to scoping participants, obtaining and consolidating input from participants, and organizing its own determinations on scope for use during preparation of the DEIS.